IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14909 of 2007(Y)

PETITIONER:

K.K.PRAVEEN,
POWER WORLD,
NEAR PONNURUNNI TEMPLE,
VYTTILA,ERNAKULAM.

BY ADV. SRI.S.ANIL KUMAR (TRIVANDRUM)
SRI.K.S.HARIHARAN

RESPONDENTS:
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1. THE DEPUTY COMMISSIONER (APPEALS),
COMMERCIAL TAXES,ERNAKULAM.

2. THE COMMERCIAL TAX OFFICER,
CIRCLE II,ERNAKULAM.

3. THE SECRETARY TAXES,
GOVERNMENT OF KERALA,
SECRETARIATE,THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. GOVINDAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Antony Dominic, J.

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W.P.(C).No.14909 of 2007

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Dated this the 11th day of May, 2007.

JUDGMENT

In relation to the assessment year 2001-2002, Ext.P1 assessment order was issued, which was challenged by the petitioner before the first respondent by filing Ext.P2 appeal. Along with Ext.P2, the petitioner also sought for stay of collection of disputed tax by filing Ext.P3 stay petition. However, during the pendency of the stay petition, the second respondent is stated to have issued Ext.P1(a) demand notice seeking to recover the disputed tax due under Ext.P1 assessment order. It is in the aforesaid circumstances, this Writ Petition has been filed.

2. Taking into account the fact that it was at this stage that the demand notice has been issued by the second respondent, I dispose of the Writ Petition directing the first respondent to consider and pass orders on Ext.P3 stay petition with notice to the petitioner within a period of six weeks. In the meantime, further proceedings pursuant to Ext.P1(a) demand notice shall be kept in abeyance. The petitioner is directed to produce a copy of this judgment before the first respondent for compliance.

Antony Dominic
Judge.

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